

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

RUSSELL ROTHE

793 CR 1350

QUITMAN, TX 75783

xxx-xx-1633/xxx-xx-0000

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Case No. 23-60493

Chapter 13

Debtor

**ORDER DENYING CONFIRMATION OF CHAPTER 13 PLAN;
SETTING 30-DAY DISMISSAL DEADLINE FOR FILING
NEW CHAPTER 13 PLAN; AND SETTING FINAL
DISMISSAL DEADLINE PERTAINING TO PLAN CONFIRMATION**

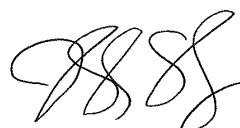
ON THIS DATE, the Court considered the confirmation of the Chapter 13 plan proposed by the Debtor in the above-referenced case. For the reasons as stated in open Court or as set forth herein below, the confirmation of the Chapter 13 plan proposed by the Debtor should be denied. In light of the failure of the Debtor to confirm a Chapter 13 plan, and in order to insure the prompt administration of this case and to prevent any abuse of process, just cause exists for the entry of the following order:

IT IS THEREFORE ORDERED that confirmation of the Chapter 13 plan proposed by the Debtor is **DENIED** without prejudice to the rights of the Debtor to file a new Chapter 13 plan.

IT IS FURTHER ORDERED that the Debtor shall file a new Chapter 13 plan within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that, in the event that the Debtor fails to file a new Chapter 13 plan within thirty (30) days of the date of this Order, absent a further order of the Court extending such deadline for cause shown, or in the event that the Debtor thereafter fails to confirm such new Chapter 13 plan upon consideration by this Court under its normal procedures, this Chapter 13 case shall be dismissed, pursuant to Section 349(a) of the Bankruptcy Code, without further notice or hearing and *with prejudice* to the rights of the Debtor to file a subsequent petition under any chapter of Title 11, United States Code, for a period of one hundred twenty (120) days from the entry of the order of dismissal and the Chapter 13 Trustee shall be authorized, following the payment (1) of any accrued adequate protection payments to secured creditors holding allowed claims herein as set forth in the Debtor's most recently filed Chapter 13 plan; (2) allowed administrative expenses; and (3) to remit any sums remaining in his possession to the Debtor.

Signed on 12/15/2023



THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE

REASONS FOR DENIAL:

- ☐ Behind on Plan Payments
- ☒ Amended Plan to be filed
- ☐ Pending Matters that must be resolved prior to Plan being confirmed
- ☐ Other:

Approved as to Form and Substance:

/s/ WILLIAM H LIVELY, JR.
Attorney for the Debtor